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Remarks

Claims 1-40 were in the application as filed. The Examiner has rejected claims 1-11, 15-25 and 29-35 under various grounds of 35 U.S.C. §§ 102 and 103 as well as objected to claims 8-9, 15-17 and 22-23 based on various informalities contained in the claims. The rejections and objections are each respectfully traversed.

In this paper, Applicants have amended claims 1, 8, 15-18 and 22-23 to more particularly and distinctly claim the subject matter that Applicants believe to be their invention and not for the purpose of avoiding prior art as well as to correct dependencies therein. No new matter has been added by the foregoing amendment, full support therefor being shown in the drawings and specification as filed.

New claims 41-43 have been presented herein, but include the spirit of allowable subject matter indicated by the Examiner and are expected to be allowable as well.

Applicant has also canceled claims 2, 10-14, 16 and 27-28 without prejudice.

Claims 1, 3-9, 15, 17-26 and 29-43, as amended where noted, remain in the application and are believed by the Applicant to be allowable. Further examination and reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

Arguments

Claim Objections

The Examiner has objected to claims 8-9, 15-17 and 22-23 as allegedly containing informalities and has requested appropriate correction. These objections are respectfully traversed and should be withdrawn based upon the clerical amendments made to these claims.

The Examiner has objected to claims 8 and 22 as having no antecedent basis for "the at least one row" language. Applicant has corrected the dependency of these claims to depend from claims 4 and 18 instead of claims 1 and 15, respectively. Thus, the objection to claims 8 and 22 should be withdrawn. The objections to claims 9 and 23 should also be withdrawn since these claims do not depend from objectionable subject matter anymore.

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The Examiner has objected to claims 15-17 as allegedly being narrative in form and as lacking a positive recitation of any structure comprising the heater element itself. The Applicant believes that these claims set forth sufficient structure and can be interpreted in light of the claim text, specification and drawings. However, for purposes of clarity, the Applicant has amended claims 15-17 to more particularly set forth that which he considers to be the invention. Thus, the Examiner's objection should be overcome and should be withdrawn.

The Examiner has objected to claim 16 as reading "he" instead of "The". This claim was cancelled without prejudice herein and thus, this objection should be withdrawn as being moot.

The Examiner has also advised the Applicant that, should claim 9 be found allowable, claim 23 (as depending from claim 8, instead of claim 22) would be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. Applicant has corrected the dependency of claim 23 to depend from claim 22, instead of claim 8 as originally filed. Thus, the Examiner's concerns should be addressed and no future objection would be appropriate.

Claim Rejections – 35 USC § 102

Claims 15-22 stand rejected under 35 U.S.C. 102(b) as being anticipated by Navarra de Componentes Electronicos (FR 2,666,717 A1; hereinafter "Navarra"). This rejection is respectfully traversed.

A true and accurate translation of the specification of the Navarra reference is attached to this Response ("Navarra Translation").

Referring to the figures and to the attached English-language translation, Navarra discloses "a heating device in which the electrically resistive elements are arranged side-by-side, in a row, and are inter-connected, on the same side, by electrically conductive elements, in such a way as to allow, on the side opposite to the conducting connection, the cutout of a heating device to adapt it to the dimensions of the surface to be covered, and in that the flexible laminar support has, in the areas of the conductive elements, or in other words between each resistive element, on the side opposed to their conductive connection, cutouts in a way so as to allow their individual deformation to adapt them to the surface shapes to be covered, while minimizing the variation of

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the resistance of each element." Navarra Translation, p. 2. Clearly, the subject matter of Navarra relates to a pair of side-by-side conductors forming a heating device which have cutouts extending inwardly from the periphery to "adapt them to the surface shapes to be covered." This adaptation is for surface "curvature" contours in the surface being mounted.

Claim 15 as amended calls for a heater element for a vehicular mirror wherein the heater element comprises a generally laminar body having a perimeter, and wherein the perimeter of the heater element is selectively sizable to conform to a size of a selected one of a plurality of mirrors. Claims 17-22 describe in greater detail how this sizing happens when the heater element is sized to conform with differently-sized mirrors.

Navarra does not disclose the concept of a heater element having a body whose perimeter can be sized to conform with differently-shaped mirrors. Rather, Navarra discloses a heating device formed from a pair of aligned conductors and having external cutouts which allow for the heating device to conform to topographical contours and curvature in a substrate. The Applicant's invention is addressed to a different concept: namely, the use of a single heater element on several different-sized mirrors. Therefore, since claim 15 is not anticipated by the Navarra reference, claim 15 is in condition for allowance. Claims 16-22 are patentable for at least the same reasons by virtue of their dependence on claim 15.

With regard to claim 16, this claim was cancelled without prejudice herein and thus, this objection should be withdrawn as being moot.

With regard to claim 17, claim 17 calls for the perimeter of the heater element to be stretched to conform to the size of the selected one of the plurality of mirrors. Navarra relates to a heating device which can conform to varying curvature, not to a heating device which can be stretched to change its overall size. Thus, claim 17 is allowable. Claims 18-22 provide additional detail on the configuration of the heating device which allows it to be stretched to work with differently-sized mirrors (i.e., a "one size fits all" heating element rather than requiring separate manufacture of a heating element for each different mirror variation). Navarra does not relate to changing the size of a mirror to fit differently-sized mirrors, only allows bending of the heating device to conform to curvature on the mirror, purportedly to increase the bonding of

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adhesive used to bond the heating device of Navarra to a substrate. For these reasons, claims 15 and 17-22 are in condition for allowance.

Claim Rejections – 35 USC § 103

Claims 1-9, 23 and 29-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Navarra (FR 2,666,717), in view of Verreries Hirtz SA (GB 2,250,406). This rejection is respectfully traversed.

The Examiner has alleged that it would have been obvious to one of ordinary skill to provide a mounting plate and housing for the heated mirror of Navarra, in the interest of protecting the mirror element with the housing, and in the interest of facilitating mounting and adjustment of the mirror within the housing, as suggested by Verreries Hirtz. Verreries Hirtz appears to be added to the combination merely for the proposition that it has a mounting plate and a housing for a mirror assembly, and has little other relevance.

The combination of Navarra and Verreries Hirtz is respectfully traversed. There is no basis for the alleged combination. Navarra discloses a heating element formed from a pair of aligned conductors for adapting to a surface having curvature, while Verreries Hirtz discloses a heater assembly for a planar mirror which is flexible in nature.

However, even if the combination could be made as alleged by the Examiner, the combination still fails to meet the claimed invention. While Navarra and Verreries Hirtz each relate to flexible heating devices, neither relates to a heating device which can be sized to fit a variety of differently-sized mirrors as set forth in amended claim 1. Nowhere is it fairly taught, suggested or motivated in the Examiner's alleged combination to vary the perimetrical size of the heating device so that the heating device can be universally employed with a variety of differently-sized mirrors.

Thus, claim 1 is allowable over the Examiner's alleged combination. Claims 2-9 depend from claim 1 and are allowable over claim 1 for at least the same reasons as claim 1. Claim 23 depends from claim 15 and is allowable for the reasons set forth with respect to claim 1 and with respect to claim 15 as set forth above and which arguments are incorporated herein by reference.

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With particular regard to method claim 29, the Examiner's alleged combination does not fairly teach or suggest the method step of selectively sizing the heater element to conform with the selected size of the selected one of the plurality of various-sized mirrors. Nowhere in the Examiner's alleged combination is the concept of changing the perimetrical size of the heater element fairly taught, suggested or motivated. Instead, the Examiner's alleged combination simply discloses conforming the heater element of the Examiner's alleged combination to whatever topography (i.e., curvature) exists on the mounting plate on which the heating device is mounted. Thus, claim 29 is in condition for allowance. Claims 30-33 which depend from claim 29 are allowable over claim 29 for at least the same reasons as claim 29.

Claims 10-11, 24-25 and 34-35 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Navarra and Verreries Hirtz, and further in view of Holzer, et al (U.S. Patent No. 5,099,104). This rejection is respectfully traversed. As set forth above, the Examiner's previously-alleged combination of Navarra and Verreries Hirtz is improper. The addition of the Holzer reference does not add anything of substance to the Examiner's alleged combination.

The rationale for the failure of the combination of the Navarra and Verreries Hirtz references is incorporated herein by reference. The addition of the Holzer reference to the Examiner's alleged combination does not overcome the impropriety of the Examiner's alleged combination. The combination of the Navarra, Verreries Hirtz and Holzer references is traversed. There is no basis for the alleged combination.

Even if the combination could be made as alleged by the Examiner, the combination still fails to meet the claimed invention. Claims 10-11, 24-25 and 34-35 define over the Examiner's alleged combination for the same reasons set forth above with respect to the Examiner's previously-addressed rejections. Those arguments are incorporated herein by reference. Holzer relates to the wrapping of a foil heater assembly around the edge of a glazed mirror assembly. A foil heater would not be resizeable in the manner mentioned in the claims as amended herein. A foil heater would rip easily. Claims 10-11, 24-25 and 34-35 define over the Examiner's alleged combination size the alleged combination does not disclose a heater element which can be resized to fit a variety of mirrors.

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Allowable Subject Matter

The Applicant acknowledges with thanks the Examiner's determination that claims 12-14, 26-28, and 36-40 are allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Based upon the amendments and arguments made herein, the Applicant believes that all claims in the case are in condition for allowance. The Applicant has condensed these claims into independent form as newly-presented claims 41-43 and believes that these claims are in condition for allowance.

Conclusion

The Applicant notes the prior art that the Examiner has made of record but not relied upon and that the Examiner considers the cited prior art to be pertinent to Applicant's disclosure. Applicant has reviewed the listed prior art and does not believe that any of the cited references impact the patentability of the invention in the claims remaining in the case.


For the reasons discussed above, all claims remaining in this application are in condition for immediate allowance. It is submitted that all of the pending claims are allowable over the prior art of record. Early notification of allowability is requested.

If there are any remaining issues which the Examiner believes may be resolved in an interview, the Examiner is invited to contact the undersigned.

Respectfully submitted,

IAN BODDY

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By: 
G. Thomas Williams, Reg. No. 42,228
MCGARRY BAIR PC
171 Monroe Avenue, NW, Suite 600
Grand Rapids, Michigan 49503
616-742-3500

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